

REMARKS

Claims 1-11 are all of the pending claims, with claim 1 being the sole independent claim.

I. Allowable Subject Matter:

A paragraph 13 of the Office Action, the Examiner indicates that claims 10 and 11 would be allowed if they were rewritten in independent form. Applicants do not rewrite any of the claims (as suggested by the Examiner) because independent claim 1 is believed to be patentable for the reasons discussed in detail below.

II. Claim Rejection Under 35 USC §112(2nd):

The Examiner rejects claim 2 under 35 USC §112(2nd) for reciting a term that is alleged unclear. As a path of least resistance, Applicants amend claim 2 (as suggested by the Examiner) to recite the supporting means, when closed, “supporting the axis of the convex half.”

Applicants believe the amended claims 2 more particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming the raised rejection under 35 USC §112(2nd).

III. Claim Rejections on Prior Art Grounds:

The Examiner rejects claims 1-3, 5, 6, 8 and 9 under 35 USC §102(b) as being anticipated by US 4,624,855 to Haas, Sr. et al. (“Haas ‘855”); claim 4 under 35 USC §103(a) as being obvious over Haas ‘855 in view of US 6,227,103 to Haas, Sen. et al. (“Haas ‘103”); and claim 7 under 35 USC §103(a) as being obvious over Haas ‘855 in view of US 1,720,304 to C. R. Taylor (“Taylor”). Applicants traverse all of these rejections in view of the following remarks.

Independent claim 1 defines (among other things) supporting means that push “an outer periphery of a part of the convex half protruding from the concave half onto the axis.” An example, non-limiting embodiment of this feature will be appreciated with reference to Figs. 1 and 4. The supporting means (inclusive of the toggle jointed link 30 and the rolling members 31)

push on an outer periphery of a part 23 of the convex half 20 that protrudes from the concave half 10. The supporting means push the convex half 20 onto the axis of the concave half 10. At least this feature (as recited in independent claim 1), in combination with the other features recited in independent claim 1, is not taught or suggested by the prior art relied upon by the Examiner.

The Examiner relies upon Haas '885 to teach each and every feature of the invention defined by claim 1. In so doing, the Examiner compares the sizing device 9 of the reference to the "supporting means" defined by claim 1. This rejection position is not convincing for the following reasons.

With reference to Fig. 2 of Haas '885, the disclosed device includes a winding mold 3, and a winding core 8 mounted on a shaft 7 that is moveable to position the winding core 8 inside winding mold 3. The sizing device 9 is mounted for movement on the shaft 7. The sizing device 9 includes a carrier 13 with a plurality of fingers 12, and a backing disc 14 that is engageable with the winding mold 3. The backing disc 14 includes slots 15 through which the fingers 12 extend.

During operation, the carrier 13 is displaced along the shaft 7 (and relative to the backing disc 14) toward the winding mold 3. At this time, the fingers 12 (which move together with the carrier 13) are advanced along an inclined travel path defined between the winding mold 3 and the winding core 8 ... *to plastically deform a rim of a wafer cone within the winding mold 3.*¹ In this regard, the fingers 12 push the wafer cone (or work piece), but they do not (in any way) push the winding core 8 ... much less push the winding core 8 onto the axis of the winding mold 8. In fact, the slots 15 in the backing disc 14 (through which the fingers 12 extend) guide the movements of the fingers 12 and would necessarily prevent the same from pushing the winding core 8. The Examiner's allegations to the contrary are tenable only by placing a strained interpretation on the reference.

Applicants note that the backing disc 14 includes a conical centering surface 17 that interacts with a conical centering surface 18 of the winding mold 3 to center the sizing device 9

¹ Haas '885, col. 5, lines 25-38.

relative to the winding mold 3.² The backing disc 14 is not, however, comparable to the claimed supporting means because the backing disc 14 is not “openable and closeable” as claimed.

For at least the reasons discussed above, Applicants submit that claim 1 recites features that are practically and conceptually different than Haas ‘885. Accordingly, Applicants request the Examiner to reconsider and withdraw the raised anticipation rejection.


CONCLUSION

Applicants earnestly solicit reconsideration and allowance of all of the pending claims.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By: 
Ray Heflin, Reg. No. 41,060
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

DJD/HRH:lmg

² Haas ‘855, col. 5, lines 14-23.